



Appeal Decision

Site visit made on 11 October 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2023

Appeal Ref: APP/F5540/W/22/3297493

21 Manor Avenue, Hounslow TW4 7JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sohan Sumra against the decision of London Borough of Hounslow.
 - The application Ref 00729/21/P4, dated 5 July 2021, was refused by notice dated 4 February 2022.
 - The development proposed is conversion of existing single dwelling into two dwelling units (1x2B3P & 1x3B4P).
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing single dwelling into two dwelling units (1x2B3P & 1x3B4P) at 21 Manor Avenue, Hounslow TW4 7JP, in accordance with the terms of the application Ref 00729/21/P4, dated 5 July 2021, and subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - whether or not the proposal is acceptable in principle having regard to the relevant Local Plan Policies;
 - whether or not the proposal would provide adequate living conditions for future occupiers of the appeal site, with particular reference to internal living space and external amenity space;
 - the effect of vehicle and cycle parking arrangements on highway safety along Manor Avenue; and
 - whether or not the proposed arrangement for the storage of waste at the site would be acceptable.

Reasons

Principle of development

3. The appeal site comprises a two-storey, mid-terrace property located in a predominantly residential area. The property is currently vacant but has a lawful use as a small House in Multiple Occupation (HMO).
4. Policy SC6 of the Hounslow Local Plan – 2015-2030, Volume 1 (the Local Plan) provides a list of criteria in which proposals for the sub-division of existing housing will be expected to comply with. This includes the requirement for

proposals to have a minimum 'original' floor area greater than 130m². The sub-division of properties that only achieve a total floorspace of more than 130sqm because of previous or proposed extensions will not be supported.

5. The appeal dwelling has previously been extended at the side and rear. However, prior to this, the Council indicates that the original gross internal floor area was approximately 113m². Therefore, the floor area of the original property falls significantly below the 130m² requirement in the policy.
6. It is acknowledged that there are other criteria in relation to local character and residential amenity, that the scheme could comply with. However, for schemes to be acceptable, the policy expects proposals to comply with all its criteria.
7. Therefore, I conclude that the proposal would be unacceptable in principle, as it fails to comply with Policy SC6 of the Local Plan in terms of meeting the minimum floor area requirements.

Living conditions of future occupiers

8. Flat 1 would be contained on the ground floor and would have its own front door and rear access leading to a garden. Flat 2 would be split over two floors and contain three bedrooms. It would also have separate front and rear entrances. Each flat would have one parking space and an area for the storage of refuse and bicycles, on a front forecourt area.
9. When assessed as a whole, Flat 1 would meet the internal space requirements in the National Described Space Standards (NDSS). Flat 2, would also meet those requirements other than Bedroom 3. That bedroom would, according to the Council, be almost a metre short of the 7.5m² minimum area prescribed by the NDSS for a single room.
10. The extent of the shortfall is not considered significant as a proportion of the standard. From my assessment of the drawings and inspection on site, the room would be well proportioned, have good head room and be ventilated by a window. Despite the shortfall, it would be capable of accommodating a single bed and some basic furniture for storage without any obvious constraints. Consequently, the bedroom's shape and size would not result in unacceptable space arrangements for future occupiers.
11. Flat 2 has an open plan living/dining and kitchen area. This would be a long room extending the length of the property. A large set of patio doors would open out on the rear garden allowing good levels of light to enter the room. The wide front window facing the forecourt area would ensure the room has a dual aspect. Future occupiers of the room will have an acceptable outlook and experience good levels of natural light. Although the room has a width of around 2.5m in places, it widens appreciably towards the rear, ensuring occupiers would not feel confined within the room as a whole. Overall, the proportions would be acceptable and there would be no obvious constraints to furnishing the space or impediments to circulation.
12. The existing rear garden at the property comprises a generous space that is both wide and deep. It largely consists of a lawn and patio area. A single storey outbuilding is located at the rear, close to the boundary with No 83 Rosemary Avenue. The submitted drawings show that each flat would have a rear door accessing an area of designated garden. However, the full extent of each

garden allocation has not been shown. In addition, it is not clear which garden would contain the existing shed.

13. External space standards for new housing are set out in Policy SC5 of the Local Plan. Based on the number of habitable rooms within the Flats, they would require a minimum amenity area of 25m² and 30m² respectively.
14. Although the full details of the gardens have not been provided, the space is roughly rectangular and could be proportioned equally. Given the extent of the existing garden, each flat would be able to accommodate the required space without much difficulty, whilst accommodating sufficient functional and qualitative space for the needs of occupiers. These details could be secured through a planning condition. The condition could also clarify which flat would include the existing shed. Accordingly, I am satisfied that the external amenity space requirements for future occupiers would be acceptable.
15. Therefore, the proposed development would create adequate living conditions for future residents with particular reference to internal living space and external amenity space. It would accord with Policies SC5 and SC6 of the Local Plan where they require development to contribute to housing supply without harming residents' amenity, provide a good standard of living conditions and meet external amenity standards. There would be a marginal breach of the NDSS in respect of a bedroom at Flat 2, however, the shortfall would be modest and not harm future occupiers.
16. The proposal would also align with the requirements of the National Planning Policy Framework (the Framework) where it requires development to safeguard the amenities of occupiers.

Vehicle and cycle parking

17. The front forecourt consists of an open area facing Manor Avenue. It is enclosed at the sides by low fencing. It is not enclosed along the frontage and would allow vehicles pertaining to future occupiers to access the space with relative ease. The forecourt area is comparable to many others in the street in terms of size and the access arrangements to the highway. I also noted that most could accommodate a reasonable sized family vehicle perpendicular to the highway without encroaching onto the footway and obstructing pedestrians.
18. The Council has concerns that the required depth for a standard parking space will not be achieved for each flat, especially as the parking area would be diminished by the placement of refuse containers.
19. Despite those concerns, it was evident during my site visit that vehicles and waste containers were accommodated together on neighbouring forecourts, without any obvious infringements on the highway. Moreover, I have no evidence that these parking arrangements have resulted in any accidents. Although space at the appeal site is limited, it is comparable to others in the street in terms of depth and width, and I am therefore confident that the appeal site could accommodate the necessary parking spaces along with refuse containers without causing obstruction or encroaching on the adjacent highway.
20. In terms of cycle storage, as above I recognise the space constraints along the forecourt. However, given the many types of storage solution available I am assured that up to two spaces per flat can be provided along the frontage. This

may necessitate an alternative arrangement to that submitted, that can be secured through a planning condition.

21. Therefore, I conclude that vehicle and cycle parking arrangements would not harm highway safety along Manor Avenue. It would accord with Policy EC2 of the Local Plan and Policies T4, T5 and T6 of the London Plan (2021), where they require developments to not increase road danger and are designed to encourage cycling. Even though there may be technical breaches of the Council's parking guidance, there would be no adverse harm upon the safety of road users. The proposal also accords with the Framework as there would not be an unacceptable impact on highway safety.

Arrangements for waste storage

22. As indicated above, I observed nearby that refuse containers were placed on property forecourts alongside parked vehicles. The arrangement of refuse containers on the submitted drawing would not be definitive in my view and a different arrangement which combines containers along the side boundary and/or in front of the dwelling could also be achieved, without significantly curtailing vehicle and cycle parking. I am therefore satisfied that a more detailed scheme can be agreed through a planning condition.
23. I have noted the content of the Council's Recycling and Refuse Guidance (the RRG). I am satisfied that the requirements in the document regarding the storage and collection of recycling and general waste containers can be complied with.
24. In conclusion the proposed arrangement for the storage of waste at the site would be acceptable and would accord with Policy EQ7 of the Local Plan where it requires development to provide suitable arrangement for waste management. The proposal also accords with the RRG.

Planning Balance

25. I have found that the proposal would fail to accord with the development plan as the floor area of the original property falls below the 130m² benchmark outlined in Policy SC6.
26. The rationale for setting this figure according to the policy's explanatory text refers to the impact multi-occupation can have on residential amenity and an area's character. However, despite the technical breach outlined, the proposal would not result in harm to local character or the living conditions of future and neighbouring occupiers. Furthermore, I have identified no site-specific harm in terms of highway safety and the arrangement for waste collection.
27. The proposal would result in the creation of one additional dwelling in an area close to services and public transport connections. These are material considerations which are supported by the development plan and the Framework and therefore weigh significantly in the development's favour.
28. Given the above considerations, whilst the development does not comply wholly with the provisions of Policy SC6 of the Local Plan, I have given significant weight to the proposal's contribution to the local housing stock. Therefore, the scheme's material benefits would outweigh the conflict with the Local Plan and provide sufficient justification to allow development, other than in accordance with its terms.

Conditions

29. I have had regard to the Council's suggested conditions amending or omitting them where necessary for clarity and to ensure compliance with the tests set out in paragraph 56 of the Framework.
30. It is necessary that planning permission is granted subject to conditions that relate to the standard time limit for commencement of development and a schedule of plans that the development relates to. These are necessary for the avoidance of doubt and in the interests of certainty.
31. It is necessary to include a condition requesting details of off-site parking arrangements in the interests of highway safety. A condition regarding cycle storage is necessary, to provide future occupiers with a range of sustainable transport options. To ensure that refuse facilities are adequate and appropriately sited it is necessary that details are approved and implemented. It is necessary to include an energy strategy condition to demonstrate the minimisation of carbon emissions.
32. I have included a condition requiring boundary treatment details in the interests of the living conditions of existing and future occupiers.
33. The Council has suggested a condition requesting details of hard and soft landscaping at the site. Some of the matters listed are covered in other conditions, whilst the requirement for soft landscaping is considered unnecessary in this instance given the modest scale of the site and the development.

Conclusion

34. For the reasons given above I conclude that the appeal should be allowed.

RE Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and drawing/document numbers: 00-01; 01-01; 01-02; 02-01; Fire Risk Assessment and Energy and Sustainability Assessment.
3. No development (except any demolition, site clearance, ground investigation and remediation work) shall take place until a finalised Energy Strategy, including design stage calculations (demonstrating how the targets for carbon dioxide emissions reduction are to be met in line with the London Mayor's energy hierarchy) has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved Energy Strategy.
4. Prior to the first occupation of the development, details including a site plan / transport note for the front driveway setting out the dimensions of two off-street parking spaces, visibility splays and dropped kerb shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme prior to its first occupation and retained for use thereafter.
5. Prior to the first occupation of the dwellings hereby approved, the applicant shall have submitted to and had approved in writing by the local planning authority full details of cycle storage arrangements and safe access thereto, for at least four bicycles to comply with the Council's cycling standards. The approved facilities shall be implemented and be made available for use before the first occupation of the development and thereafter retained for use at all times without obstruction.
6. The development shall not be occupied until details of the arrangements for storing of waste and recycled materials have been submitted to and approved in writing by the local planning authority. The development shall be completed and retained in accordance with the approved arrangements before any part of the accommodation hereby permitted is occupied.
7. The development shall not be occupied until details of boundary treatment at the site, including the subdivision of garden land, has been submitted to and approved in writing by the local planning authority. The approved details shall be completed prior to occupation and thereafter retained.

*****End of Schedule*****